

# Law Enforcement News

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## In this issue:

**Around The Nation:** A coast-to-coast roundup of police news. **Pages 2, 3.**

**People & Places:** Street-smart chief; hand-picked to succeed; off to the parks; holding pattern over New Jersey; time to say goodbye. **Page 4.**

**Attention-grabber:** Maryland police volunteer is touted as a national model. **Page 5.**

**Big Apple-bound:** Already an out-of-town success, 311 may be headed for its New York debut. **Page 5.**

**Strength in numbers:** Colorado agencies pool efforts for state's first computer-crime lab. **Page 5.**

**No laughing matter:** Montana officials foil revolution plot by hapless militia group. **Page 6.**

**A buck for their troubles:** Videotaped cops win lawsuit, but little in damages. **Page 6.**

**Up to the task?** Study says state & local tech capabilities need anti-terror upgrades. **Page 7.**

**An exercise in fatality:** North Carolina deputy kills soldier during Special Forces training. **Page 7.**

**Forum:** A dose of post-9/11 reality for public awareness & the war on terrorism. **Page 9.**

**Federal File:** Anti-terrorism & homeland security developments at the federal level. **Page 10.**

**Defending the homeland:** Anti-terror plans take shape for states & localities. **Page 11.**

## A study in pink & blue

### Integration of gay cops nearly a 'non-issue' in SDPD

Openly gay and lesbian individuals serving as police officers are on their way to becoming a "non-issue" at the San Diego Police Department, to the betterment of the agency, according to new research that examines the decade-long shift from what was once a largely unfavorable environment for homosexuals to one that, while not without its problems, is far more inclusive.

The 43-page report, "Pink and Blue: Outcomes Associated with the Integration of Open Gay and Lesbian Personnel in the San Diego Police Department," found that fully integrating gay and lesbian officers has improved the agency's quality and its responsiveness to the community and has not had any overall adverse impact on performance, morale or effectiveness. The key, according to the report, has been the strong leadership shown by the three police chiefs who led the SDPD during the study period — Bob Burgreen, Jerry Sanders and David Bejarano.

"Eliminating, or minimizing, the climate of fear within the department has enhanced trust and cohesion," Aaron Belkin, a co-author and assistant professor of political science at the University of California-Santa Barbara, said in an interview with Law Enforcement News. Moreover, he said, residents believe the department

looks more like the community it represents.

Belkin and his co-author, Jason McNichol, a sociologist at the University of California-Berkeley, chose the SDPD because it was a typical urban police force in a city that was neither excessively liberal nor conservative. The agency draws from a regional population that is closely tied to the U.S. military and remains relatively constant in both social values and

Promoting openly gay cops remains problematic, but opportunities may be better for lesbians.

demographics.

"We thought San Diego was more somewhat more representative of a quote-unquote mainstream American city than someplace like San Francisco or New York," Belkin told LEN.

The SDPD also gave the authors a solid 10-year window to examine outcomes after a formal decision was made to support integration and

equal opportunity, according to the report. Prior to the early 1990s, it said, the agency had neither a formal policy regarding homosexuals nor did it have a public presence of gay and lesbian officers. And gay men — more so than lesbians, it said — were frequently the targets of jokes, derogatory remarks and "differential treatment."

That treatment was not consistent, however. Some gay officers currently serving told researchers that they can remember administrators sidestepping evidence of homosexuality during the interview and training process. Then during the late 1980s and early 1990s, the department moved to increase diversity within the ranks and improve community relations by supporting and including underrepresented groups, including gays, said the study.

"Diversification and integration were not expensive to implement financially," said Belkin, "but they did require some political capital from the police chief, especially at the beginning."

The report tracks the changes in the department's attitude from 1990, when a 10-year veteran of the SDPD, Officer John Graham, "came out" officially at a press conference. He was followed by another veteran officer, Rick

Continued on Page 8

## As Albuquerque switches to NIBRS, Memphis offers tips from experience

If the Memphis Police Department's recent experience in switching over to the National Incident-Based Reporting System (NIBRS) is any barometer, then police in Albuquerque have a long road ahead of them before their conversion from summary to incident-based tracking is complete.

The Albuquerque department is in the process of making the switch from the FBI's Uniform Crime Reporting system and expects its crime statistics

in 2003 to reflect that change. Numbers released by the department in February showed a zero-percent change in crime rates from 2000 to last year. That compares with a 3.8-percent decline in the city's overall crime rate from 1999 to 2000. In 2001, the biggest increase was in murders, which rose by 6 percent over the previous year. Crimes showing declines last year included arson, auto theft and burglary.

But under the NIBRS format, those

figures could very well shoot up. Said Beth Baland, an Albuquerque police spokeswoman: "We'll be talking about two completely different crime reporting systems. We're trying to prepare the public that it's going to be completely different and we ask for their patience and understanding when we do give numbers. The numbers are going to look very inflated because from what we do understand with NIBRS as compared with UCR, NIBRS is going to

count every single crime."

Simply converting to the NIBRS system takes a lot of work, warned Maj. Wink Downen of the Memphis Police Department, who heads that agency's Compstat and information technology efforts. Memphis was the largest municipal department in the nation to convert to the system at a cost of \$7 million in local funds.

In an earlier interview with Law Enforcement News, he called the conversion in 2000 a "nightmare." Not only did the department have to install a records management system to support NIBRS, it also had to find a vendor within the state who could bid on such a large job. One of the hardest aspects of it, however, was training the officers to use the NIBRS form, which lists 48 different offenses compared to the UCR's nine Part I offenses, said Downen.

"We had our officers practicing like they were doing incident-based reporting a year before we went to our new system," he told LEN recently. "That way, when we actually went into the software and everything, they didn't have to learn a new form and all that overnight and cause a bunch of problems with implementation."

He also advised any major-city department doing the conversion to double the number of its data-entry personnel. NIBRS calls for an increase of approximately 200 percent in data entry, said Downen. It is also so much more complicated than the UCR that it will take a full 18 months before all of

Continued on Page 10

## Fear of solicitation curbs Maine legislators' vested interest in K9's

A dog may be man's best friend, but that friendship only goes so far in the Maine Legislature, where a 12-year-old girl's effort to raise money to equip police dogs with bulletproof vests ran headlong into a state law barring private fund-raising for police causes.

Some legislators, while sympathetic, said they would probably fight a proposed change in state law to allow private citizens to raise funds for police causes, on the grounds that such activities could be perceived — whether rightly or wrongly — as coercive.

At the center of the controversy is a West Bath girl, Kelly Davis, through whose efforts \$12,000 was raised to buy bulletproof vests for 18 police dogs in municipal, county and state law enforcement agencies. Another youngster, 13-year-old Anna Schwarcz of Orrington, solicited enough donations

over the past two years to purchase dog vests for the Bangor Police Department and the Washington County Sheriff's Department.

But last year Attorney General Steven Rowe shut down Davis's Maine Vest-a-Dog program, concluding that she had violated a law that bans solicitations for law-enforcement agencies. The ban exists, said Rowe, so that people will not feel compelled to contribute to police causes.

Davis, however, won the support of her hometown legislator, Senate Republican Leader Mary Small, who filed a bill that would permit individuals to collect money as long as they were not police or paid agents of law enforcement.

"The [ban] basically had unintended consequences," Small told The Portland Press Herald. "The idea that a community member could not go out and so-

licit money for any of those [police-related] causes is particularly egregious."

At a legislative hearing before the Criminal Justice Committee in February, critics of the ban asserted that, if taken to its logical conclusion, even a bake sale to help an injured officer would be illegal. Said Trooper Michael Edes, president of the state's trooper association, which opposes the existing law: "This is Maine. We've got common sense. Let's use it."

Legislators appeared to be moved by a presentation from the Lewiston Police Department whose dog, Sarge, donned a 5½-pound vest purchased for him through Davis's program. Representative Stanley Gerzofsky (D-Brunswick) asked Sarge's handler, Officer Timothy Morin: "Does this dog have a perception of death?" Morin replied that he did not. Gerzofsky con-

tinued, "He would not hesitate to stand in front of you" even under fire? "No he would not," said the officer. "That's a good reason to provide him with a vest," said Gerzofsky.

According to Sgt. Mike McGonagle, a spokesman for the Lewiston department, the department understands the need for the existing ban, but it would support Small's legislation.

"We agree with the attorney general's interpretation of the law," he told Law Enforcement News. "Obviously, you need to be careful when law enforcement starts to engage in solicitation because of its appearance if someone were not to donate. But we also think the girl's cause is a good cause. In this case, you have a 12-year-old who is trying to do a project for her class, and we think in this case there

Continued on Page 8



# Around the Nation

## Northeast



**MARYLAND** — Researchers at Johns Hopkins University have reported in the *American Journal of Epidemiology* that a state gun-control law banning "Saturday night specials" cut the rate of gun-related murders by 9 percent, or 40 per year, from 1990 to 1998.

Gov. Parris N. Glendening has decided to divide most of a \$274-million federal anti-terrorism grant received by the state among all 23 counties and the city of Baltimore. Glendening awarded \$2.39 million from the grant to local jurisdictions based on a formula that weighed such factors as the number of hazardous sites, their vulnerability to threats and the surrounding population. The balance of the grant will be disbursed to various state agencies that have first-response duties.

**MASSACHUSETTS** — Twenty workers at Boston's Logan International Airport have been charged with using false Social Security and immigration data to get security badges that allowed them into secure areas of the airport. U.S. Attorney Michael Sullivan said that there was no evidence to link the workers to any terrorist activity.

The state's highest court on Feb. 20 refused to throw out two anti-sodomy laws that gay rights activists oppose, although the court did limit how the laws could be enforced. The justices noted that the attorney general's office and district attorneys had agreed not to prosecute anyone unless the proscribed acts were conducted in public or were not consensual.

The Essex County Sheriff's Department houses a real-time data base of 60,000 mug shots that allows police officers from departments all over the county to quickly identify potential suspects from desktop computers in their home precincts. The investigative tool, which costs \$318,000, will replace the more rudimentary mug shot books maintained by individual police departments.

**NEW JERSEY** — Elizabeth Police Officer Thomas D'Amico and two other defendants were convicted Feb. 11 for their roles in the beating death of Bennett Grant, a 37-year-old black man who got into a fight with some customers at a go-go bar. Race was an underlying issue in the case as witnesses testified that during the attack, they heard a woman scream: "Kill him!" Get the black bastard! D'Amico was found guilty of aggravated manslaughter, a crime that carries a 30-year prison term, and two counts of official misconduct. On the witness stand, D'Amico admitted to lying in order to protect himself and his friends.

Concerned by a sharp decrease in the number of tickets issued on the Garden State Parkway last month, state police are about to implement "Operation Saturation," in which 35 extra troopers have been assigned to patrol some of the parkway's busiest sections. The decline in summonses has been attributed to a variety of factors, including cuts in overtime, the redeployment of

officers following the Sept. 11 terrorist attacks, changes in toll enforcement since the growth of E-Z Pass and, possibly, poor morale among troopers.

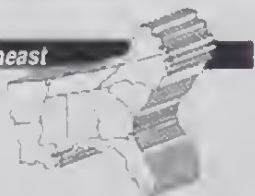
**NEW YORK** — New York State Police rookie state trooper Lawrence Gleason was killed on Feb. 11 in Crown Point after being shot in the back by a gunman while investigating a domestic dispute. Gleason had answered a call from a woman who said her estranged boyfriend had threatened her with a knife. James Scharpf had left the scene by the time Gleason arrived but returned with a high-powered rifle that he fired three times into the house, killing Gleason. Scharpf then went into the house and killed his girlfriend and himself. Gleason, who graduated from the police academy nine months ago, is the first trooper since 1994 to be fatally shot in the line of duty.

**PENNSYLVANIA** — Eighty fugitives were arrested in January and February after they were lured by a trap set up by Philadelphia detectives. Over 549 fugitives were sent letters from the fictional Office of Municipal Audit and Disbursement saying the agency owed them \$1,320.27 in unpaid benefits, which they could pick up after a brief meeting at the office. The office was a fake, and fugitives were steered into an adjoining room to sign for their checks, only to be met by a room full of detectives waiting to cart them off to jail.

**RHODE ISLAND** — After disbanding the community police unit last year, Providence Police Chief Richard Sullivan said his agency will soon return to community policing now that new recruits are graduating late this summer who can be assigned to the posts. Sullivan said that officers will handle community police issues 24 hours a day, including meeting with residents and handling complaints.

Woonsocket Police Chief Herve B. Landreville has acknowledged underreporting traffic stops used for a statewide study of racial profiling. Landreville said that officers were mostly not logging stops that resulted in arrests because they believed those stops would be logged by another unit of the department. He added that his department has since had three training sessions to ensure that officers comply with state law.

## Southeast



**ALABAMA** — Former Pelham police officer Jeff McCord and his wife, Jessica, have been charged with the murder of a Frederick, Md., couple, Alan and Terra Bates, whose bodies were found in the trunk of a burned rental car in mid-February. Jessica McCord and Alan Bates divorced in 1995 and had been fighting over custody of their two daughters. The Bateses were shot to death before they were placed in the trunk of the car. They had come to Birmingham for a custody hearing. Jeff McCord was fired from the police department after failing to attend a disciplinary hearing.

Three black Montgomery police officers were fired by Mayor Bobby Bright

on Feb. 22 for failing to report misconduct by colleagues on the overnight shift. The three were accused of witnessing eight fellow officers, all of them white, beat suspects, plant evidence and toss rocks at a suspected crack house. The officers who were fired had argued that their actions did not warrant dismissal. They plan to appeal to the city-county personnel board. The eight officers accused of the misconduct had previously resigned.

**ARKANSAS** — The state's Department of Highway and Transportation plans to spend \$600,000 on two van-mounted infrared inspection systems that can detect bad brakes on tractor-trailers. Defective brakes, which are the most common safety violation, were a factor in the May 2001 collision between a school bus and a truck that left three Mountainburg students dead and eight others injured.

**FLORIDA** — Hillsborough County sheriff's deputy Charles David Odell was arrested Feb. 22 and accused of having a sexual relationship with a 15-year-old boy he met over the Internet. Authorities began investigating Odell when the boy's parents called the authorities after suspecting something was wrong about their son's on-line habits. Authorities have confiscated two computers at Odell's house and are looking to see whether there may have been other victims.

**LOUISIANA** — Caddo Parish Sheriff Steve Prator has hired Tonya Reeves, a longtime dispatcher, to supervise criminal records in a new crime-mapping and analysis program that he hopes will predict when and where criminals are likely to strike. The new maps, which can display the entire parish or a specific area, can show commanders where there are pockets of criminal activity.

The St. Charles Parish Sheriff's Office is giving local schools and day-care centers free access for a year to a commercial Web site that tracks convicted sex offenders and notifies subscribers when an offender moves nearby. The service, which is costing the sheriff's office \$2,300 for startup costs and initial subscriptions, will also automatically e-mail schools and day-care centers if a registered sex offender moves within a mile of the monitored address. After the first year, users will have to decide whether to subscribe to the service for \$19.95 a month.

**NORTH CAROLINA** — Since last year, Fayetteville officers Rick Mulcahy and Alan Sanford have been harvesting a bumper crop of speeding motorists by pointing radar guns at passing traffic from horseback. The officers say that clocking speeds while on horseback surprises most people. Mulcahy had to point out to one woman, who complained about being singled out when others were speeding, that from horseback he "can only stop one person at a time."

**SOUTH CAROLINA** — Local police departments throughout the state have been warning the public about a phone scam involving a bogus police organization asking for money. Callers identifying themselves as representatives of the S.C. Police Officers Association are asking people to send cash, checks and credit-card contributions. Rock Hill police Lieut. Jerry Waldrop, who is

president-elect of a legitimate fraternal group called the S.C. Law Enforcement Officers Association, said that his organization does not use phone solicitations.

**TENNESSEE** — Thirteen candidates for sheriff in the state have been disqualified under a new statute that calls for tighter scrutiny, according to the Peace Officers Standards and Training Commission. The reasons ranged from not having a high school education to an unspecified felony.

**VIRGINIA** — The state Senate on Feb. 27 unanimously passed a bill that would compel police to take DNA samples from anybody arrested for a violent crime. The samples would later be destroyed if the person is acquitted or the case is dismissed. The state, which has developed one of the nation's largest computerized DNA data bases, currently takes samples only from people convicted of crimes or from crime scenes.

Roanoke County Police Officer Vanessa Leigh Payne filed suit Feb. 19 alleging that her chances for advancement on the job are being thwarted because she was called to active military duty following the Sept. 11 terrorist attacks. Payne said the police department has told her that while she will still have her job when she returns from active duty, she may not participate in the promotional process because the department has to be able to fill any openings for promotions immediately. County Attorney Paul Mahoney declined to comment.

The FBI will not launch its own inquiry into attacks on several white students by black youths, but will instead closely monitor the Charlottesville Police Department's investigation. Vincent Breeding, national director of the European-American Unity and Rights Organization asserted that city officials are trying to cover up racially motivated crimes. A spokesman for the FBI said that the bureau was satisfied that the city's police department was pursuing the cases aggressively.

## Midwest



**ILLINOIS** — A Grandview resident, Melvin G. Hanks, is accused of stealing ponytails from a hair salon that was donating them to a children's wig charity called Locks of Love. Investigators found an assortment of ponytails and loose hair when they searched his home. Grandview Police Chief Michael Feleccia said that the man "was just hung up on hair," adding that he didn't know which was worse, Hanks or "the old sock man," a notorious local man with an apparent attraction to young girls' dirty socks and chewed gum.

Lake County sheriff's deputy Philip Santucci had a blood-alcohol level nearly three times the legal limit at the time he was killed in a one-car crash on Dec. 19, according to a coroner's inquiry, and now Sheriff Gary Del Re has lashed out at fellow officers who he says did not stop Santucci from driving while under the influence of alcohol. Santucci, who was one of the state's top officers in the effort to curb drunken

driving, had gone out drinking after work with some fellow deputies and people from other agencies. Del Re said that he doubted any formal action would be taken against the other officers because of a lack of evidence.

**INDIANA** — The Warrick County Sheriff's Department has asked NASA for help in solving the murder of Amanda VanScyoc, a Boonville teenager who was working as a police informant, by providing satellite photographs of the murder scene on the day she was killed last fall. They have also asked the FBI for help in locating any foreign satellites that may have been taking pictures in the area. Police do not believe her role as an informant had anything to do with her murder. None of the information she provided had led to an arrest.

**KENTUCKY** — The state attorney general's office has issued an opinion saying that police can blot the names of sex-crime victims from arrest reports before releasing them under the Kentucky Open Records Act. The opinion said that the privacy interest of "victims of these singularly traumatic crimes... outweighs the public interest in monitoring police investigative action." The opinion was sought by The Louisville Courier-Journal.

**MICHIGAN** — Brian J. Bourne, the 22-year-old accused of fatally stabbing Detroit Police Officer Michael Scanlon on Feb. 12, was arrested six times after his release from a maximum-security facility for juvenile offenders in 1999. He was released after 10 years in juvenile confinement after a state psychiatrist said he was no longer a risk to the community.

In a change of practice, the state Department of Transportation will pay up to \$350,000 this fiscal year in overtime costs for state and local police patrols aimed at curbing speeders and other reckless drivers in construction areas. For the past four years, the DoT has been paying state police for construction zone patrols. Transportation officials are meeting with police departments around the state to identify potential danger zones. In 2001, the state spent \$320,000 for overtime patrols in construction zones, issuing 12,321 citations, including 4,602 for speeding.

**OHIO** — Cincinnati police plan to use overtime money to increase patrols downtown and in the Over-the-Rhine neighborhood that was stricken by rioting last April. Within two months, said police Lieut. Col. Richard Janke, the public will see police on foot in Over-the-Rhine to help combat perceptions that the area is not safe. There will also be more police on horseback, motorcycles, bicycles and on foot downtown where business has declined following the riots. The riots occurred after a white police officer fatally shot an unarmed black man.

On Feb. 11, Cleveland police and more than 270 officers from a dozen law enforcement agencies capped a yearlong undercover investigation with the arrest of more than 30 people in and around three low-income housing complexes in Cleveland. As part of the investigation, the Cuyahoga Metropolitan Housing Authority was provided with a car rigged with video and audio equipment by the U.S. Department of Housing and

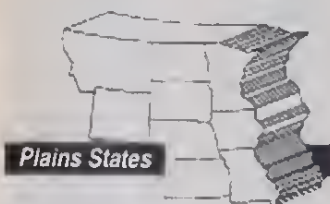


Urban Development, and police posed as crack addicts looking to buy drugs. Police are still searching for 10 more men who have already been indicted.

**WEST VIRGINIA** — State troopers are upset about a new policy that prohibits them from taking their cruisers home if they live more than 20 miles from their post. State Police Superintendent Howard Hill said the policy was aimed at encouraging troopers to live closer to their detachments and to save money. Troopers who currently live outside the 20-mile cutoff have been "grandfathered," and those who are transferred to a post more than 20 miles from home will have six months to move closer or lose their take-home car privilege.

The state Legislature is considering a bill to improve the state's poor record of seat-belt use, but Senate Transportation Committee chairman Mike Ross wants the bill to include an exemption for obese people. He says that some people are too fat to wear seat belts and the state shouldn't force them. Police say the exemption is silly. "That makes entirely no sense to me whatsoever," said Vienna police Sgt. Mike Deem. "Next thing you know, they'll be saying that some people are too short to wear a seat belt or too tall."

**WISCONSIN** — Police in Sun Prairie seized 26 computers from a local library after an off-duty officer discovered three pages of sexually explicit photos of children in the trash. Detectives will search the computers' hard drives to see if they can uncover any evidence of who may have downloaded and printed the material from the Internet. Authorities also took a video surveillance tape and a list of those who returned or checked out items.



Plains States

**KANSAS** — Two sisters who were out walking their dogs in rural Shawnee County stumbled across parts of a methamphetamine lab, which they then brought to Topeka police headquarters. Police Lieut. Randy Listrom said that while "we can make this work," ideally a meth lab should not be moved, in order to protect the crime scene and prevent contact with hazardous materials.

**MINNESOTA** — On Feb. 19, the U.S. Court of Appeals for the Eighth Circuit ruled that police officers carrying out a drug raid in Minneapolis did not violate a suspect's Fourth Amendment rights when they failed to knock on the doors to his duplex. In June 2000, police approached James Mendoza's home and shouted "Police, Warrant!" They found a second door to his unit off its hinges, so they entered without knocking and discovered methamphetamine and heroin. Judge Fernando Gaitan Jr. said that police had clearly announced their presence and that it "belies common sense to think officers should be forced to comply with formalistic rules when the circumstances direct otherwise."

**MISSOURI** — A Jefferson County judge has issued a temporary restrain-

ing order barring former Arnold police chief Dale R. Fredeking from using personnel records of Arnold police officers in an appeal of his dismissal. Fredeking was fired last September amid allegations of personal and professional misconduct. His lawyer had tried to get the files but city attorney Todd Hamby said that they were confidential and could not be released without the written consent of the officers or a subpoena.

In hopes of generating additional municipal revenue, Moline Acres Police Chief G. Thomas Walker is planning a series of changes in department practice, including forcing convicted drunken drivers to pay for the cost of arresting and processing them, and raising the cost of police reports by \$5.

The Missouri State Trooper's Association has asked legislators to lift a cap on funding for the state Highway Patrol in order to provide for higher salaries or the hiring of more troopers. According to the association, the average pay for a trooper with 10 years of experience is \$38,460, compared to \$51,588 for the Kansas City Police Department and \$62,148 for the St. Charles Police Department. The group says attrition is at an all-time high and the patrol is 92 troopers below its authorized strength.

Gov. Bob Holden plans to ask lawmakers to provide around \$200,000 to hire private security guards to relieve the police from staffing metal detectors at the entrances to the state Capitol and other major state buildings. Staffing the metal detectors with a mix of law enforcement agencies has resulted in large overtime expenses and has taken some officers away from their normal patrols.

Ja-Mes, Jason and Ja-Maal Davis, brothers who are 22-year-old triplets, graduated from the St. Louis Police Academy together on Feb. 18. Following right behind them is their brother, Stanley, 23, who will graduate from the academy in May. The boys' mother, Diana Halk, said she initially tried to talk them out of entering police work, but "it really is all that they have talked about since they were little boys."

St. Charles Police Chief Paul Corbin hopes that a new team-effort approach will lead to a significant drop in the city's crime rate. Starting in February, key players from the patrol divisions, field operations, detective bureau, traffic division and record and mapping sections began meeting to decide the best way to tackle the city's biggest crime problems. The newly formed police team has already set out specific crime-reduction goals as well as specific actions to achieve those goals.

Derrick Boothe, 23, a suspect in two murders, walked out of the St. Louis City workhouse after switching identification wristbands with another prisoner. It was the second time in less than a year a prisoner used that scam to gain freedom. Boothe was taken back into custody four days later at the home of a girlfriend. In the future, police will provide photos with every prisoner turned over to corrections officials, and a video camera will be installed in the holding area to spot prisoners switching wristbands.

**MONTANA** — Anaconda-Deer Lodge

County's drug-sniffing police dog Sasha was found fatally shot Feb. 22, her body dumped near the home of her handler, Officer Kent Reisenbauer. Investigators have not made any arrests or determined if the 3½-year-old black Labrador was killed as an act of revenge by drug dealers.

**NEBRASKA** — In order to better communicate with a growing Spanish-speaking population, Kearney police and the Buffalo County Sheriff's Department have been employing more Spanish-speaking officers and providing basic language training. A Kearney teacher, Diane Small, teaches what she calls "Spanish for Law Enforcement," which teaches command vocabulary and interviewing skills to law enforcement officers.



Southwest

**ARIZONA** — The Chandler Police Department is moving to fire Officer Ron Dible after his wife posed nude for an adult Web site. Dible's wife, Megan, quit her job as a dispatcher after someone saw her photos on the Web and told a supervisor. The department requires that all employees sign a code of conduct promising that their activities won't hurt the department's image.

**COLORADO** — The city of Denver has suspended its photo-radar program and dismissed all pending tickets issued by the system, after a district court judge ruled that the program illegally gave police powers to a private contractor. The judge also ruled that the program violated state law by appearing to compensate the contractor on the basis of the number of tickets issued.

**NEW MEXICO** — Las Cruces police have implemented a system for residents to report minor crimes by telephone, which Police Chief Bill Baker hopes will eventually reduce calls that officers must respond to by 25 percent to 40 percent. The self-reporting system can be used when the loss is less than \$250, there is no evidence to collect at the scene, and there are no suspects to be interviewed at the scene. Police are also developing a means for reporting crimes over the Internet.

**OKLAHOMA** — State Representative Jeri Askins (D.-Duncan) and Senator Jonathan Nichols (R.-Norman) are working to change the seven-year statute of limitations on sex crimes, to allow prosecutors to file charges in cases when biological evidence reopens a case. The bill is expected to be heard by the full Senate in early March.

**TEXAS** — With an average of about 9 minutes, Austin trails every other large city in Texas in its 911 response time. The department is said to be poring over massive amounts of data in hopes of getting the time down to 8:30 — still well above Dallas's response time of about 8 minutes, Fort Worth's 7 minutes, and Houston's time of less than 5 minutes.

The Dallas District Attorney's office has so far identified 80 cases to be dismissed against 53 defendants, as an

outgrowth of several fake drug cases handled by police. Two officers have been suspended in the series of questionable busts, in which evidence thought to be narcotics turned out to be other substances.

The families of slain Border Patrol agents Susan Lynn Rodriguez and Ricardo Guillermo are suing the City of Harlingen because they say the Harlingen Police Department failed to destroy a weapon that was turned into them for disposal. Instead, Harlingen Police Officer R. D. Moore gave it to his son, Ernest, who used it to gun down the two agents during a 1998 standoff while being pursued for two murders he committed. Ernest Moore also died in the standoff. In 1999, a Cameron County grand jury cleared R. D. Moore and three other officers of wrongdoing.

Former San Antonio police officer Conrad Fragozo Jr. and his uncle, Edward Fragozo, pleaded guilty on Feb. 20 to federal charges of conspiring to sell cocaine. Eight of 10 San Antonio officers who were arrested in March 2001 in an FBI undercover operation have pleaded guilty to drug conspiracy and other charges.

Police in the Fort Worth suburb of Dalworthington Gardens plan to begin making house calls in a program modeled after an effort in Highland Village, in which officers provide residents with crime prevention information, gun safety locks and batteries for smoke and burglar alarms. Highland Village Police Chief Ed O'Bara said the house-calls effort there was so successful, officers there are doing it on a monthly basis.

**UTAH** — Provo police have concluded their investigation into possible crimes, including sexual assault, assault on a motel manager and public intoxication, committed by three Secret Service agents who were stationed in Utah as part of the Olympic security effort. The investigative findings have been forwarded to Utah County Attorney Kay Bryson, whose office will decide whether the evidence warrants criminal charges. The agents have been placed on administrative leave.



Far West

**ALASKA** — Toby Robbins, a 29-year-old state trooper who was still in field training, killed himself on Feb. 23 after police responded to a 911 call that he was threatening to commit suicide during a domestic argument. Police responding to the 911 call from Robbins's wife, Priscilla, heard loud voices inside the house. The door opened and they could see Robbins with the gun. He then shut the door and police heard one shot. The two officers called for backup, bringing at least 12 officers to the scene.

**CALIFORNIA** — Police in Fresno are pressing ahead with the biggest gang crackdown in the city's history. The crackdown was launched in January following a 67-percent increase in homicides in 2001. Nine of the city's 40 murders last year were gang-related, prompting Mayor Alan Autry and Police Chief Jerry Dyer to nearly triple

the size of anti-gang forces. Gang-related felony arrests jumped from 41 in December to 212 in January.

The Newhall Community Advisory Committee plans to meet with the city's Spanish-speaking community to ease their misgivings about using the Los Angeles County Sheriff's department's crime tip hot line. The reluctance is said to stem from residents' fears of retaliation by criminals or being turned over to immigration authorities.

**OREGON** — GHB, the popular club drug, was responsible for seven overdoses in one February night in Portland, and police say overdoses are becoming more frequent. One drug investigator said the increasing occurrence may be due to dealers who have started brewing their own hatches of GHB or similar concoctions.

The private retirement system used by the city of Forest Grove has apparently scared away applicants for police jobs, reduced morale and cost the police department more than \$1 million for extra training, overtime and equipment. Speaking before a panel of residents considering the issue, Police Officer Wayne Hart said the city should switch to the state's public retirement system to stop public safety workers from fleeing to other communities. Since October 1999, seven police officers with a combined 60 years' experience left the department. Six of those left, in part, because of the city's subpar benefits.

**WASHINGTON** — Seattle police officials said they would welcome a federal inquiry into the fatal shooting in February of a man armed with a sword. Officers Brett Rogers and Stanley Streubel each shot Shawn J. Maxwell twice after he brandished a sword and fled through a crowded University District neighborhood. Police claim that Maxwell, who is black, forced the two white officers to shoot after they tried unsuccessfully to subdue him with non-lethal stun guns, and he raised his sword and moved toward them. Some witnesses, however, have disputed that account. Local civil rights leaders requested a Justice Department investigation.

Fnu Lnu, whose legal name is Robert V. Bender, must serve 30 days in jail for impersonating an officer and obstructing justice. When Tukwila police stopped Lnu last Sept. 12 for a traffic violation, he showed them a badge and identified himself as the sheriff of the renegade Freedom County, which some citizens in northern Snohomish County claim was created in 1995. State and county officials, however, say that a 1998 state Supreme Court ruling held that the county does not exist. The county, real or not, has reportedly asked Lnu to resign due to his legal problems. Lnu's name comes from the police shorthand for "First Name Unknown, Last Name Unknown."

The first four Seattle police cruisers have been equipped with video cameras as part of a \$200,000 pilot program created last July in response to concerns about racial profiling. It is hoped that the cameras, which will be installed in 16 cruisers by the end of February, will help boost public confidence and help convict criminals. The city will decide at a later date whether to install cameras in all of its 223 marked police cars.



## Street smarts

He may be the chief of police, but Santa Fe's **John Denko** is still just a regular cop when it comes to stopping suspected drunken drivers.

The 60-year-old Denko this month physically pulled **Allen B. Paquin** out of his 1992 Ford Tempo and wrestled him to the ground, holding him until a back-up officer could arrive on the scene. Denko spotted Paquin while patrolling the city, as he likes to do everyday.

Four minutes after receiving a call of a hit-and-run accident, police received another call from an employee at a gas station about a suspected drunken driver who hit a gas pump. Denko responded to the call. When he tried to stop Paquin, the motorist swerved around him and sped down Cerrillos Road. When he got caught up in traffic, Denko ran over to his vehicle, jerked the car door open, and had to grab the resisting Paquin with both arms to remove him from the vehicle.

"The reason I had to get him out of his vehicle was I was afraid he would go get in an accident," he told *The Santa Fe New Mexican*. Paquin had four previous DWI arrests, according to a police report.

## Hand-picked

Cheektowaga, N.Y., Police Chief **Bruce D. Chamberlin** will be turning over the reins at the end of February to Lieut. **Christine M. Ziemba**, one of the first women to join the force more than two decades ago and his hand-picked assistant on matters involving racial profiling.

Chamberlin is a 31-year veteran who has led the agency for 12 years. Nationally recognized for his handling of biased policing issues, he was a



Chamberlin

founding member in 1995 of the Law Enforcement and Diversity team, a partnership between the Erie County Chiefs of Police Association and the National Conference on Community and Justice, whose mission was to promote better relations between police and minorities. The collaboration led to a training program, "Law Enforcement and Diversity in the Community," which instructed officers on how to deal with car stops and racial profiling. [See *LEN*, Sept. 15, 1999]

During his tenure, Chamberlin in-

stituted a number of community policing initiatives including Neighborhood Watch and a citizen advisory board. He also formed the Crime Resistance Unit soon after his appointment in 1990, which included the city's DARE program, the Citizen Police Academy and other crime reduction efforts. Under Chamberlin's leadership, the Cheektowaga Police Department was accredited by New York state and was the recipient in 1997 of the "Excellence in Community Policing" award from the National League of Cities for its work in domestic violence and diversity.

Chamberlin joined the force in 1970 as a patrol officer and rose to the rank of lieutenant in 1978, commanding the agency's training unit. Nine years later, he was named assistant chief, responsible for the department's patrol division, its investigations unit and administration, including internal affairs and special operations.

Ziemba, who will assume command after Chamberlin's official retirement



Ziemba

on March 29, was tapped by the chief to help him deal with accusations that the department was engaging in biased policing last year.

"I can't think of anyone I'd rather leave my life's work to," said Chamberlin following Ziemba's swearing-in ceremony on Feb. 11.

Joining the department 26 years ago, Ziemba remains one of only five females in the 130-officer department. Before being promoted to lieutenant in 1985, she had served as a patrol officer, a sex crimes investigator and was assigned to the juvenile division for presentations in schools. Since 1991, Ziemba has headed the agency's Crime Resistance Unit.

Besides being the department's first female chief, Ziemba, 47, is the first woman to head any police agency in western New York state. She placed first in the civil service exams for lieutenant, captain, assistant chief and chief. Ziemba was unanimously appointed by the Town Board.

"I think women are much more readily accepted," she told *The Buffalo News*. "It's been proven that they can do the job, they do it well, and they certainly progress up the ladder."

## Off to the parks

Durham, N.C., is losing its police chief to the U.S. Park Police.

**Theresa Chambers**, who has led the Durham force since January 1998, is the first woman to head the 800-member federal agency. A unit of the Na-

tional Park Service, the Park Police has jurisdiction in all National Park Service areas and some other federal and state lands, including Ellis Island and the Statue of Liberty. It traces its origins to a detachment of "Park Watchmen" created in the District of Columbia in 1791, making it the nation's second-oldest law-enforcement agency, according to the U.S. Department of the Interior.

"The opportunity to lead the men and women of the prestigious U.S. Park Police force is the professional opportunity of a lifetime," Chambers noted in a prepared statement. "I am honored to have been selected for such a significant leadership position, and I look forward to serving both my profession and our nation in such a worthwhile undertaking."

Chambers will replace **Robert E. Langton**, who served with the Park Police for 35 years, 10 of those as chief. She will be replaced in the interim by Lieut. **Gi Steven Chalmers**, one of Durham's two highest-ranking police officials after Chambers.

Crime in Durham followed the national trend by declining at a sharp, steady pace during Chambers' four-year tenure. Through the first nine months of 1998, 4,429 people were victims of property crimes and 4,990 suffered violent crimes. By 2001, those figure fell to 3,474 and 3,972, respectively.

Although the 2001 rate rose 9 percent compared to the second quarter of last year, it still represented a 22-percent decrease from Chambers' first nine months in the post.

"I would give her credit for changing the attitude of the organization," former mayor **Nick Tennyson** told *The Durham Herald-Sun*. "There was really a sort of a downward spiral of gloom that I think she reversed."

The job change for the 44-year-old Chambers also represents a move back to her home turf. She commanded Prince George's County, Md.'s most urban and diverse police district, on the border of Washington, D.C., before being hired as Durham's top cop. Prince George's County is where she began her law-enforcement career in 1976. She holds a master's degree in applied behavioral science from Johns Hopkins University and a bachelor's degree from the University of Maryland.

In recent months, Chambers had run afoul of local media outlets when she restricted access to police reports. The new system, which makes documents available only from 7:30 a.m. to 5:30 p.m., Monday through Friday, was implemented to improve efficiency and accountability, said officials. Previously, reports had been available twice a day, seven days a week.

Durham plans to conduct a national search for a new permanent chief, with a decision to be made by May. Chalmers said he intends to be among the contenders.



Chambers



Chalmers

## Holding pattern

While New Jersey lawmakers consider his nomination as head of the State Police, Newark Police Director **Joseph Santiago** has taken a temporary post with the state attorney general's office, as a special assistant in charge of monitoring the state police and developing its anti-terrorism strategy.

Santiago, 54, will officially resign his Newark post on March 1. His nomination by Gov. **Jim McGreevey** in January proved instantly controversial, with critics citing such factors as a past that includes brushes with the law, and the fact that he would be yet another outsider to run the insular state police.

Republican legislators complained this month that McGreevey was trying to make an end-run around the Senate confirmation process with the temporary appointment, which does not need Senate approval. "There are still many unanswered questions regarding this nomination," said Senate Republican Leader **John O. Bennett**.

But a spokesman for the governor said McGreevey was eager to bring Santiago on board. "We are getting him in there so he can hit the ground running," **Paul Ahronson** told *The Associated Press*.

Santiago's nomination was put on hold by the Senate Judiciary Committee until it can review numerous records pertaining to Santiago's past legal proceedings.

Santiago was found guilty of simple assault in 1993 for striking an off-duty Essex County jail guard who pushed his fiancée. Two years later, he was convicted of verbally abusing another member of the Newark force, but a Superior Court judge overturned the decision. In 1994, Santiago filed Chapter 7 bankruptcy. He also failed to pay state and federal taxes for an unlicensed security company he ran, but was eventually cleared through a tax amnesty program.

"We have every confidence in the world, not only that Santiago will be confirmed by the Senate, but make an outstanding superintendent," said Ahronson.

A 32-year veteran of law enforcement, Santiago has served as head of the Newark Police Department since 1996. Although the city's crime rate has plummeted under his leadership, Santiago has been criticized in some quarters for his strict disciplinary tactics, particularly during the 2000 trial of two officers accused of planting marijuana on drug suspects. A videotape of a staff meeting shows Santiago seeming to pressure officers on their testimony.

"It just didn't look so good," said **Joseph Ferrante**, a lawyer for one of the accused. "Does it look like he's trying to intimidate his men? I don't know."

The tape will be included with those documents that Senate committee members have asked to see. The officers were eventually cleared of most charges.

Santiago's nomination does not have the support of the state troopers union, which wanted the next head of the NJSP to come from the ranks. If confirmed, Santiago would be the second consecutive superintendent to come from outside, and the first Hispanic.

## Time for goodbye

No decision has yet been made by San Antonio officials on which of three candidates will be selected to lead the city's police department once Chief **Al Philippus** retires on March 31.

All candidates come from within the agency's ranks and entered the department within a three-year period in the early 1970s. Assistant Chief **Albert Ortiz** is considered by many to be Philippus's heir apparent. Even before promoting him to his current rank three years ago, Philippus put Ortiz in charge of the department's day-to-day operations. Still, officials insist that all of the candidates are strong. The others are deputy chiefs **Tyrone Powers** and **Jerry Pittman**.

While Pittman won attention for his work in police operations, he had to fight for his lieutenant's bars. He filed a lawsuit after being denied a promotion despite finishing first on the written exam. Not only was he promoted, his action changed the way officers move up the chain of command.

Ortiz was put in charge of homicide investigations after making lieutenant. Powers worked with Philippus, then a captain, in the planning and research division.

City Manager **Terry Brechtel** said she hoped that Philippus's successor could be found within the agency. Although she formally invited all of the agency's officials to apply for the post, applications were received from just the three top administrators.

Philippus, 50, joined the San Anto-



Philippus

nio Police Department in 1975 and has been its chief for seven years. When appointed in 1995, the agency was the subject of a federal lawsuit filed by Hispanic officers who claimed they were denied promotions. The suit was settled in 1999.

His departure, he said, has nothing to do with either an FBI sting that resulted in the arrest of 10 officers on drug charges, or with the events of Sept. 11. Still, it has been a tough year. The bust combined with the deaths of two officers in the line of duty took their toll, he said. "This has been the hardest year [as police chief], there's no question about it," said Philippus. "It's hard to even remember the other years because this one's just been such a difficult one."

Family concerns, along with the desire for a second career while still young, guided his decision to retire, he said, fighting back tears at a news conference.



# Maryland police volunteer program is touted

A volunteer program that began more than a decade ago as a way of easing the workload of overburdened officers thrust the Anne Arundel County, Md., Police Department into the limelight recently when the initiative was cited by the White House as one of seven models for the nation.

The county's Volunteers in Police Service (VIPS) program will be among the initiatives to serve as best-practice guides for other agencies seeking to create their own initiatives under the Citizen Corps, one of three programs included in a new civilian service organization called the USA Freedom Corps announced by President Bush in his State of the Union address.

"I think it was chosen as a national model because we have structure, we

run an orientation, on-the-job training, an academy for reserve officers..." Sgt. James Cifala, head of the department's Crime Prevention Unit, told Law Enforcement News. "They all go through a background investigation. We do a lot of recruitment in the community."

Anne Arundel's VIPS program was launched in 1990 and its reserve officer corps in 1981. Both are considered models, said Cifala. Volunteers must donate 16 hours a month to the department and are given tasks throughout the agency. Last year, the 100 or so participants in VIPS, the reserve officer corps and a third initiative, the volunteer chaplain service, gave 30,000 hours to the police and saved the county an estimated \$500,000 in work that would have been done by sworn personnel.

"You want to give us the time, we will find something for you to do," said Cifala. "We're very fluid in the way you can help us. If you get into a job that you're not really happy with, we'll find you something you are. We're not going to say we don't want you anymore. To that extent, we'll make it work for the person who wants to give us time."

The Citizen Corps initiative will include the creation of a Medical Reserve Corps, a VIPS program and a Terrorist Information and Prevention System, as well as doubling the Neighborhood Watch Program over the next two years and incorporating terrorism prevention into its mission. Bush's budget proposal for 2003 includes \$144 million to support the formation and training of local Citizen Corps Councils.

Other police agencies whose volunteer programs have been deemed best-practice models include the Henderson County, N.C., Sheriff's Department; the Tucson, Ariz., Police Department; the Ogden, Utah, Police Department, and the San Antonio, Texas, Police Department. In Indianapolis, the West Side Community Organization and Mid-North Weed & Seed sites have response teams that work in conjunction with local police, as do Weed & Seed site teams in St. Louis.

"I appreciate President Bush coming to the forefront about volunteerism, because it should be a part of everyone's life," Cifala said in an interview with The Capital, an Annapolis newspaper. "This is something we pretty much came up with by ourselves to get some

help, get some support for our officers who were really overburdened."

Besides offering a savings to taxpayers, the programs also provide many more sets of eyes and ears in the community, said Cifala. The reserve officers have as much presence in the community as sworn officers, he said. The agency also has reserve officer vehicles. Those in VIPS, he told LEN, will have their community associations get involved in a initiative such as a crime watch because of their partnership with the department.

Volunteers range from teen-agers to senior citizens and help out with traffic control, parades and neighborhood canvassing. Reserve officers will actually go door-to-door when the agency is looking for a suspect. The reserves are also certified to conduct security evaluations for businesses and private homes, a service the department provides for free. All three units, Cifala added, have standard operating procedures they must follow.

"We're professional and the police department is a CALEA-accredited agency. We fall under their standards, as well," said Cifala.

Each year, the agency throws a banquet for its volunteers where they get personal recognition from Chief Thomas Shanahan. "He's very insistent on that," he said.

Since the VIPS program has appeared on the USA Freedom Corps Web site, the police department has been bombarded with calls from civilians and other law enforcement agencies, Cifala said. "We have had more people contact us, so from a marketing point of view, it's been very helpful. As a matter of fact, we're getting ready to run an orientation for 15 reserve officers."

## 311, already an out-of-town success, may be headed for its New York debut

If all goes according to plan, within a year New Yorkers will be using a single, three-digit number to access at least 40 existing help lines for a wide variety of city services. In other words, 311 is coming to the Big Apple.

"It's a big challenge in New York," Mayor Michael R. Bloomberg told The New York Times. "We have enormous volume, we have a complex city, we have many different languages spoken and we have a populace that rightly expects to have government be responsive in ways that, in many other cities, government is not."

The system would link dozens of agencies citywide and hopefully relieve some of the burden placed on New York's 911 system. Three-one-one was studied by the administration of former Mayor Rudolph Giuliani, in part to deal with the overload issue, but was found not feasible to pursue.

"I think what most people will think of immediately is New York is so much bigger than everybody else, so obvi-

ously it's going to be much more difficult," said John D. Cohen, president and chief executive of PSComm LLC, a company that designs and installs 311 systems. "Actually, New York's challenges will be not that much different than with any city or town or phases of implementing 311. The technology is the same. You're still going to have to create some kind of centralized work-order management system that links with the legacy systems inside each of these city agencies."

Since its debut as a pilot program in Baltimore in 1996, the 311 system has spread to such major cities as Houston and Chicago. In Houston, a city with 1.8 million residents, it took two years to start a system similar to that now envisioned by Bloomberg. According to Donald Hollingsworth, who designed and is overseeing Houston's system, the agencies with the heaviest volume of calls were linked first, with the rest expected to be connected by mid-year.

The 311 system has been deemed a

success by officials in Chicago, where it also acts as a backup for 911. "Let's say we're having a lot of snow," said Ted O'Keefe, director of the program. Residents who want their street plowed can call 311, and the complaint will be electronically forwarded within minutes to the Sanitation Department's inbox, he told The Times.

"In terms of customer service, we have to have the attitude that we are working for the people of New York City, and rather than making it difficult for them, rather than making them be the ones that have to do the research to find who can help them, what we want to do is to provide the service and have us do the work," said Bloomberg.

While he offered few details this month about how the system would be implemented or what it would cost, its price tag has been estimated at about \$10 million.

Based on an analysis PSComm prepared for mayoral candidate Mark Green, however, Cohen projects the

amount to be about half that. Assuming 12 million calls to separate call centers in each of the five boroughs, he said, a single, non-emergency number would run about \$600,000 in recurring telephone costs annually.

Cohen helped create the first 311 system in Baltimore, an achievement for which he shared Law Enforcement News's 1998 People of the Year award. Key to the success of a 311 implementation, he said, is the commitment of the mayor. Unlike the Giuliani administration, which saw the system as a way of offsetting 911 calls, Bloomberg views the program as a move toward "digital government," said Cohen.

"[Bloomberg's] looking at it as sort of an organizing principle that's going to re-engineer the way the city does business," he said. The implementation of 311 underway right now in Los Angeles shows that a major city can do this, Cohen told LEN. "It's whether it's an important thing to do by the mayor, and Mayor Bloomberg thinks it is."

## Colorado agencies seek strength in numbers with new computer lab

What federal, state and local jurisdictions in Colorado could not do alone, they are hoping to be able to achieve together under the auspices of the state's first central computer-crime laboratory.

Eight government agencies — the FBI, the IRS, the 18th Judicial District Attorney's Office, the Customs Service, the Colorado Bureau of Investigation, the Denver Police Department and the sheriff's offices of Arapahoe and Douglas counties — have assigned one member each to work at the Colorado Regional Computer Forensic Lab.

"We've done work so far on every kind of case — white-collar crime, identity theft, a lot of drug labs, child pornography, Internet predators and attempt sexual assaults on children," the lab's director, Douglas County Sheriff's Sgt. Holly Nicholson-Kluth, told Law Enforcement News.

Since opening for business in January, the lab has worked on 45 computers, making forensic images of their hard-drives which can then be analyzed

for evidence.

In an interview with The Denver Post in February, Nicholson-Kluth said it was an understatement to say computer crime is growing — it's more like an explosion. "Just about any crime can have digital evidence involved these days because just about everyone has computers and that's their file cabinet," she noted.

In Colorado, 75 percent of the state's 65 computer crime investigators are located in the Denver metro area. More than 150 cases of e-mail harassment, on-line auction fraud, child pornography and corporate espionage were handled by just three officers in the Denver Police Department over the past three months. And with so many of the cases involving America Online's 33 million subscribers, police in the company's hometown of Dulles, Va., have assigned an officer to do nothing but process search warrants. Last year, 533 warrants were issued.

One of the obstacles to making cases is a lack of law enforcement expertise

in using sophisticated software and hardware to find and copy evidence from a hard drive without altering its original content. It can cost from \$3,000 to \$5,000 and take up to two weeks to complete a forensic course on gathering digital evidence, said Drew Fahey, a security expert with E-Fense, Inc., who teaches seminars to police.

"We went through a period where local jurisdictions couldn't get computers examined, there simply weren't enough resources out there, and agencies were starting to develop their own resources, trying to train and equip single forensic examiners on their own," Nicholson-Kluth told LEN. "With them trying to handle forensic exams and caseloads, we realized what we needed to do was put everybody together, pool our resources, and increase our ability to train and network and focus simply on forensics. We don't do any investigations here, nothing but forensic examinations."

The lab is housed at the Douglas County Sheriff's Office which built the

facility at the same time it was constructing a substation, said Nicholson-Kluth. She expressed hope that the lab would become a model for other multijurisdictional labs around the state.

While the center was kick-started with a \$30,000 law enforcement block grant and some drug-seizure money from the county sheriff's department, having Sheriff Stephen C. Zotos donate the necessary space, along with telephones, desks and other basic office equipment, was the essential component for pulling the project together, said Nicholson-Kluth.

"Having someone who is willing to put something up front, to say we need to do this and we can do it here — that made it much more easy," she said.

Recently, the lab handled a homicide case and was able turn the evidence over to investigators in just two days. "To get going, we needed a place, we needed people, and then the money started coming as people realized the value of this type of thing," said Nicholson-Kluth.

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## Montana officials say militia's revolution plot was almost laughable

If it weren't for the thousands of rounds of ammunition and the arsenal of weapons, officials in Kalispell, Mont., say a militia cell's plot to kill 26 law enforcement officers and thus foment revolution would have been be laughable.

Last month, two trailers stuffed with 30,000 rounds of ammunition, 35 guns, exploding booby traps, body armor, pipe bombs, survivalist gear and military rations were found by the Flathead County Sheriff's Office after a defector from the group known as Project Seven tipped the agency to the plot. It took detectives three days to catalog the arsenal.

In March, the FBI took charge of the conspiracy investigation into possible links between Project Seven's leader, identified as a local troublemaker named David Earl Burgert, and other right-wing groups, while the Bureau of Alcohol, Tobacco and Firearms is tracking all of the weapons.

"This is the weirdest, most violence-prone thing we have seen in Montana for a long time," said Ken Toole, a Democratic state Senator who runs the Montana Human Rights Network, which studies right-wing movements in the state and in neighboring Idaho. "There is a comic element to these people," he told The New York Times. "But it washes away pretty quickly because of the guns."

Flathead Sheriff James R. Dupont learned of the plot in early February after Burgert, 38, had disappeared for nearly a month. His wife had reported him missing on Jan. 9 and hinted that he may have drowned. Burgert's pickup truck and fishing pole were found near a local river. He had failed to appear at a court hearing on charges he had punched a deputy last year and was at that time a fugitive.

But sharp-eyed deputies quickly dispelled the idea that Burgert had drowned, or had even been fishing. His tackle box, they said, contained lures that no self-respecting Montanan would

use to fish, and his rod had no hook.

Burgert was spotted on Feb. 7 coming out of the home of Tracy Brockway, a 32-year-old cleaning woman at a police station in neighboring Whitefish and Project Seven's chief intelligence gatherer. Staking out the house, deputies gave chase when Burgert and Brockway took off in a heavy snowstorm. Sliding off the road, Burgert took off into the woods with a rifle. After a 24-hour standoff during which he held the weapon to his chin, threatening to kill himself, he surrendered. Brockway was arrested at the same time, charged with obstructing justice for allegedly aiding Burgert.

Computer experts from the State Police have so far failed to crack encrypted information on a computer seized from Burgert's home.

Characterizing the defendant as a blowhard and an annoyance who routinely railed against judges on a local right-wing radio station, Dupont and Det. Bruce Parish said they believed Burgert had bitten off more than he could chew.

"The logic of their plan, if you can call it logic, was that by killing local law enforcement people, the state of Montana would have no choice but to call in the National Guard," Dupont told The Times. "Then they hoped to wipe out the National Guard. And then they hoped that NATO troops would be sent in and that would trigger an all-out revolution."

Authorities have identified four or five local people who might have been involved in the plot. While Burgert and Brockway are in custody, two others told investigators they knew about Project Seven, but had no plans to kill anyone.

Along with the arsenal, police found "intelligence files" on local police and their families. The group's hit list contained the names of judges, Kalispell's chief of police, members of a police SWAT team, the county prosecutor and the dogcatcher.

## Videotaped cops get a buck for their troubles

A federal jury in Oklahoma this month awarded \$1 in damages to nine of 11 Owasso police officers who sued the city in 2000, claiming that the audio- and video-taping of their conversations in the squad room violated their right to privacy.

According to the complaint brought by Officers Mark Cleveland, Shane Davis, John Edwards, Darryl Jones, Richard Dean Parsely, David Renfro, Tracy Townsend and James Leigh, and former dispatcher Carla Stone, electronic surveillance was used without their permission by Lieut. Rick DeArmond and then-Acting Chief Cliff Motto to monitor their private discussions, including labor union activities on behalf of the Fraternal Order of Police. The taping took place on March 19 and April 29, 2000.

The plaintiffs said the surveillance was a breach of both federal and state law. The \$1 damages were awarded for violation of the officers' rights to "seclusion" under Oklahoma law. U.S. District Judge Sven Erik Holmes said he will consider damages on the claim

that the city violated the Federal Wiretapping Act, which bans employers from eavesdropping on personal spoken conversations.

Claims by Officers Buddy Pales and Steve Tryon were rejected by the jury during the four-day trial in Tulsa.

As a result of the verdict, Owasso officials will change surveillance policies to comply with the law, said City Manager Rodney Ray, who added that the city was discouraged that it had lost the case. While some videotaping at the police station is essential to protect officer safety, officials will try to balance that with employees' privacy rights, said Ray. He also expressed hope that the "pettiness and bickering" within the 40-member department would be put aside so the agency could focus fully on protecting and serving the public.

"This case was never about money," said the officers' attorney, Richard S. Toon Jr. His clients, he said, were glad to have had the opportunity to present their case. It would never had gone all the way to trial, he added, had the city just apologized.



# Law enforcement tech capabilities need a boost

The technological capabilities of state and local law enforcement agencies must be upgraded before federal anti-terrorism initiatives calling for high-tech measures can be implemented throughout all levels of the nation's justice system, according to a report issued by the Bureau of Justice Assistance (BJA) and SEARCH, a criminal justice research consortium.

That finding and other key observations made by a focus group of experts from both the public and private sectors during a day-long conference in December were released this month in "Assessing the Implications of the Terrorist Attacks on America for Justice Information and Technology."

Participants found that current legislative and policy initiatives, including the USA PATRIOT Act and the Aviation and Transportation Security

Act, presume a level of technological capability at the state and local level that does not yet exist.

Among their recommendations were that significant federal resources be focused on the development and testing of "valid, reliable, and appropriate suitability and security measures." Perhaps \$20 billion or more will need to be invested in infrastructure development, research, equipment procurement, systems development and integration at state, local and federal levels, the report said.

"There are substantial investments being made all across the nation in terms of bolstering homeland security," said Dave Roberts, deputy executive director of SEARCH. "Our focus was not really so much how at risk are our IT [information technology] systems, but rather because of all these federal

initiatives, because of both legislative and policy initiatives to try and counter terrorism and establish homeland defense, what are some of the implications for justice agencies."

In an interview with Law Enforcement News, Roberts said those initiatives "are operating under the presumption that we already had considerable dissemination of biometric measurements and that they're effective and widespread and that we have the IT systems in place in state and local agencies throughout the nation. And I don't think we do."

Both the Patriot Act and the Aviation and Transportation Security Act authorize new background checks and the use of biometric technologies, unique and measurable physical, biological or behavioral characteristics which can be processed electronically, ac-

cording to the report. These can be used both to identify a single individual and verify the person's identity.

The Aviation and Transportation Security Act suggests the use of a voluntary passenger prescreening system using such measures which would expedite the security clearance of participating travelers. The Patriot Act promotes a fingerprint scanning system with access to the FBI's Integrated Automated Fingerprint Identification System (IAFIS).

The one remaining legislative priority, said the report, is in the area of immigration reform. Numerous biometric and other technologies would be used to identify individuals entering the country, keep track of those people while they are in the U.S., and validate their departure.

It is critical for the goals in the war

on terrorism to be defined, said the report, and for the federal government to develop "suitability standards," or an assessment of the trustworthiness and security of people admitted to secure areas. "At present, the substantive criterion for admission and/or participation is undefined and unclear," the report said. "Therefore, the information and IT resources that should be brought to bear are similarly unclear and/or undefined."

No single biometric measure, whether it be DNA profiles, facial recognition software, hand geometry or iris and retinal scans, is going to be appropriate in any given setting. Multiple measures will likely be required, the focus group suggested.

"The federal programs are wonderful, but there are a lot of building blocks to getting there, and one is deciding on the appropriate biometric technologies and broad dissemination of those," said Roberts. "It is raising the bar of automation among justice agencies so that they are actually going to be able to submit electronically. It's building the infrastructure so that they can communicate nationwide. It's creating information systems that people are going to be able to query."

Of the 16,000 to 17,000 state and local law enforcement agencies in the nation, many are technologically sophisticated to some extent, but not all. The situations that need to be looked at, said Roberts, are those in which a patrol officer in a rural area arrests someone, and with the use of biometric technology can quickly validate the person's identity, then compare it to an up-to-date watch list of suspected terrorists. That in turn could trigger a notification to Immigration or the FBI. "I know we don't have all those triggers in place," he said.

## An exercise in fatality:

# Deputy kills soldier in Special Forces training

One soldier was killed and another wounded this month when a Moore County, N.C., sheriff's deputy believed the two, who were dressed in civilian clothes as part of a training drill, were threatening his life.

The chain of events began on Feb. 23 when Deputy Randall Butler spotted a pickup truck about 30 miles from Fort Bragg with someone crouching in the back. When he pulled the vehicle over, he noticed a duffel bag with a disassembled M-4 carbine inside. One of the three men in the truck then came at him. Butler tried to disarm him with pepper spray, then opened fire, killing 1st Lieut. Tallas Tomeny and injuring Sgt. Stephen Phelps.

The soldiers had apparently believed that the deputy was part of their drill. But sheriff's department officials maintain that Fort Bragg gave them no notice that soldiers would be participating in "Robin Sage," the 19-day final examination of the Special Forces Qualification Course.

"Nobody in the sheriff's office had been told (about the mission)," sheriff's Capt. Greg Maness told USA Today. "Randolph County, an adjoining county, had participated in this exercise about two weeks ago, but we didn't. We found out after everything had happened that Randolph County had done a similar scenario, where officers were used on something similar and told be-

forehand."

According to Chief Sheriff's Deputy Lane Carter, Tomeny had tried to assault Butler when he was sprayed. Phelps tried to grab the weapon, but was shot and wounded. Then Tomeny came at Butler again and was fatally shot. A civilian, playing a resident of the fictitious country "Pineland," was driving the truck.

"One was in the back of the truck and two were in the front of the truck," Carter told The Charleston Gazette. "It was 40 degrees and the wind was blowing and the one in the back was crouched down and it just looked strange."

The Army has been using the

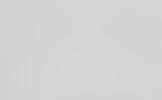
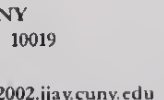
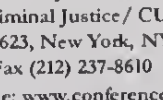
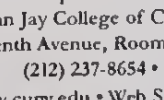
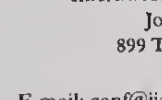
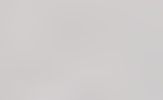
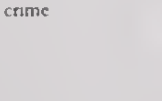
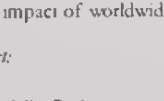
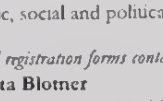
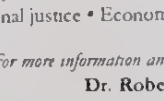
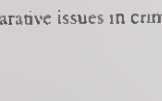
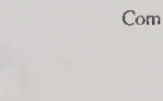
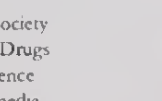
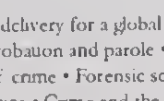
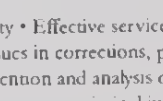
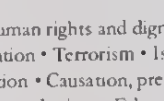
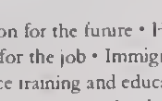
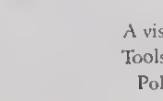
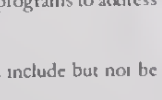
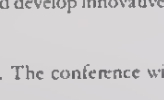
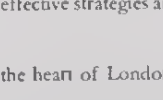
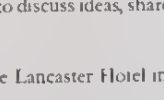
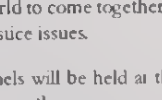
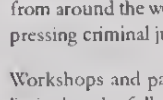
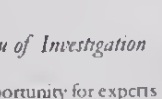
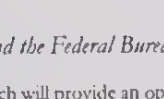
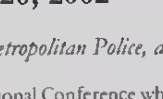
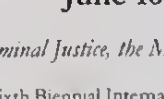
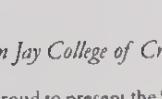
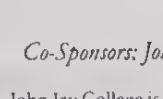
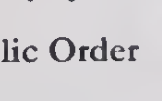
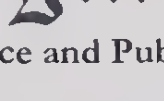
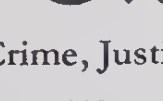
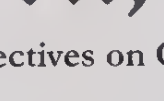
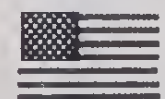
Pineland scenario for about 50 years. According to an account of the exercises in The New York Times, a "country guide" of the imaginary Pineland describes a nation with a small elite, a hospitable culture and honest but poor inhabitants. The guide provides cultural advice for soldiers so as not to offend the locals. The typical scenario has American forces assisting in the overthrow of a tyrannical leader and liberating Pineland.

Army officials said they did not tell the Moore County sheriff's department about the exercise because they did not believe the agency would be involved. Under new procedures adopted after the shooting, soldiers will no longer wear

civilian clothes in role-playing exercises outside of Fort Bragg, and no civilian law enforcement agencies will be involved, said Col. Charles King, commander of the 1st Special Warfare Training Group, Airborne.

No charges have been filed against Butler, who is on administrative leave. He joined the sheriff's department a year ago after 15 years with the Sanford, N.C., Police Department. Even after the shooting, said Butler, when ambulances and more police officers were arriving on the scene, the soldier he wounded did not mention the exercise.

"He never said a word," said Butler. "He didn't even budge."



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## In San Diego, gay & lesbian cops are nearly a non-issue

Continued from Page 1

Edgil. The agency, it said, appeared to take the news in stride, with then-chief Burgreen making a public statement in support of the rights of openly gay individuals to serve on the force.

Burgreen later ran into trouble, however, when he publicly condemned the Boy Scouts for dismissing as a teacher in the organization's cadet training program a gay officer from the El Cajon Police Department. Burgreen suggested the agency withdraw its participation in the Scouts' Explorer program. "Almost immediately, a heated public debate followed in which a number of police officers and community members expressed frustration over Burgreen's decision," the report noted.

Yet the SDPD continued to "institutionalize a variety of mechanisms to support equal opportunity throughout the remainder" of Burgreen's tenure, according to the report. Among these were the appointment of a liaison to the city's gay and lesbian community and a training module required of all recruits, which sought to clarify rules regarding appropriate conduct. Openly gay and lesbian officers were used as

**'When close support was required and safety was at stake, personal differences were left aside.'**

"bridges and interpreters for police work" in predominantly gay areas of San Diego.

While integration was uneven, said the report, the number of "out" gay and lesbian sworn personnel rose from about five individuals in 1992 to between 35 and 50 today. They hold ranks from officer to at least lieutenant and work in all divisions of the department. Moreover, agency leaders meet with a Citizens' Gay and Lesbian Advisory Board, with the department's liaison reporting directly to the chief. Gay and heterosexual officers, including the chief, march in the city's gay pride parade each year.

"We found there has been something we called a quiet normalization over time," Belkin told LEN. "Things are not as heated as people expected when integration was first put into place and so what's happened is integration has become — not for all people and not all the time — a non-issue."

According to the department's Equal Employment Opportunity office, only one of 87 complaints filed in 1999 — the only year accessible to researchers — was related to issues of sexual orientation. And none of the 56 complaints filed against the department with the city's EEO office concerned that issue, said the agency's director.

But the small number of formal complaints should not be used as an indicator that harassment and discrimination have not been taking place, said the report.

"Closeted personnel who fear being identified as gay are unlikely to come forward to complain about problems, especially because they are often not certain of the allegiances of peers and supervisors who arbitrate the dispute," it said. "Secondly, the work culture of the SDPD, like that of most police departments, strongly emphasizes the informal and discrete resolution of personnel problems at the unit level whenever possible."

Because the sanctions imposed by the EEO office are so dire, the study added, all parties may "feel keen to

avoid the procedures."

The issue of promoting openly gay officers — particularly males — remains problematic, the report said. From the rank-and-file point of view, homosexuals have tried to make themselves into another "special class" worthy of preferential treatment. One gay officer told researchers that many officers are resentful and suspicious of efforts to increase minority representation in promotion decisions.

Supervisors see the discrimination as being more subtle. Two high-level observers told researchers they believed that senior managers, who are older, male and more conservative, may have a harder time working closely with gay men. A former president of the police officers association told the authors that promotional opportunities were probably better for lesbians.

"This is still a male profession and it is a macho-male profession. In most people's minds the gay men do not fit that mold," he said.

According to the authors, few if any negative consequences could be found in the integration of "out" homosexuals into the SDPD. Nor has the inclusion of homosexuals hurt the department's recruitment efforts. Former chief Sanders said the department has never had a shortage of applicants and that the policy changes were never an issue. "In fact, I had never heard that issue before," he told researchers. Neither he nor current supervisors said they were aware of any instance in which an officer resigned as a result of having to work with someone gay.

All commanders, field officers and senior personnel interviewed for the study said there were no significant differences in the performance of units with self-identified gay and lesbians and those with none. Several respondents argued that the inclusion and participation of gay beat officers has improved the quality of neighborhood policing.

The report also found there to be no credence to fears that gay officers would find themselves abandoned by straight colleagues during hazardous operations. "All respondents contacted for this study unambiguously asserted that when close support was required and safety of citizens or cops was at stake, personal differences were left aside."

## Vested interest in Maine's police dogs

Continued from Page 1

were not any issues we had a problem with."

Police dogs, Davis told legislators, do not choose their livelihood and deserve to be protected. "All human police officers wear bulletproof vests and I think it is important that police dogs are offered the same protection," the girl said.

While Small's bill is expected to get unanimous support within the committee, other lawmakers have expressed reservations and said they may oppose it when it gets to the full House. The legislation was amended by the Criminal Justice Committee so that it would expire in 2004 unless renewed, and police agencies would have to report

back to the Legislature each year on how well the law is working.

Still, there are concerns that easing the ban would lead to improper practices.

"I sympathize with the young lady who is trying to do a very good thing," but it is an artificial distinction that paid solicitations can be coercive while unpaid ones are not, said Representative Charles LaVerdiere (D-Wilton).

If police dogs need vests, then the state should buy them, said Representative William Savage (D-Buxton). "People still have the fear that some agent of the police department just asked for money," he told The Press Herald, "and if I say no that information goes back to the police."

## Headlines are not enough

Affirmative-action programs looking a little black & blue  
How is it? it's a mother  
The jury is still out on community policing  
Scraping the officer of the future  
Time to rethink academy & field training  
Maternity-leave  
Police force is too much  
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Gundry, Poulin:

## Public awareness & the war on terrorism

By Craig Gundry and K.C. Poulin

Since the attacks of Sept. 11, a number of bulletins have been issued by the FBI warning of an increased potential for terrorist attacks. In many cases, these warnings are vague and nonspecific — the result of fragmented or unverified information filtering in from the intelligence community. Yet the public is warned to be on guard for "suspicious activity" and to maintain a "heightened state of alert." Without specific guidance, these types of warnings have created a state of confusion and frustration on the part of the public and local authorities who, until recently, have never confronted the threat of terrorism.

So what can the public do to aid in the war on terrorism? What should citizens and local police be looking for with regard to "suspicious activity?" Addressing these questions requires an understanding of how Al-Qaeda and other threat groups operate and how terrorist attacks are planned and executed. By assessing the terrorists' modus operandi, we can identify many observable activities or events that may indicate a potential terrorist attack. In the anti-terrorism community, these types of observable activities are referred to as "threat indicators." Any notice of these activities should be reported to police and promptly investigated.

### Threat Indicators

When many people think of suspicious activity, they tend to think of suspicious looking men entering and leaving an apartment at unusual hours or overhearing words like "bomb" or "anthrax"

(Craig S. Gundry is vice president for special projects of Critical Intervention Services, a Florida-based private protection agency. K. C. Poulin is president and chief executive officer of C.I.S.)

in a suspicious conversation. These types of public sightings have, on a number of occasions, led authorities to uncovering terrorist plots. However, there are many other types of activities or circumstances that can suggest the potential for a terrorism. Most of these indicators relate to the terrorists' gathering of target intelligence, the acquisition of materials needed for an attack, preparation of bombs or chemical/biological weapons, and the first steps of executing an attack (bomb delivery, gaining access to a plane, etc.).

All terrorist operations are preceded by a process of intelligence gathering. This often involves conducting reconnaissance visits or stationary surveillance of a target for weeks or even months. Citizens are often in an excellent position to recognize threat indicators associated with target surveillance. For example, a waitress in a diner may notice that two men who come in every morning always request a seat by a certain window. The men stay for a long time and seem more interested in activity outside of the window than talking. Whenever they do talk, they become quiet when someone approaches their table or they quickly change their topic of discussion. This type of activity should be regarded as highly suspicious (especially if the window provides a view of an ideal terrorist target, such as a government building, shopping mall or symbolic commercial building). People who loiter for very long periods of time, people who seem to take strong interest in a particular facility or building, or anyone who seems self-conscious or nervous while photographing or videotaping a location should be regarded as suspicious.

Citizens who work in locations that sell or store possible bomb-making materials or items that can be used in manufacturing chemical or biological weapons should be aware of suspicious purchases or thefts. Many items commonly used in making

bombs or chemical weapons are openly sold in hardware stores, pharmacies, garden stores, hobby shops and electronics stores. For example, hardware clerks should be aware of anyone purchasing threaded pipes and end caps, gas canisters, large quantities of pesticides, ammonia nitrate fertilizers, etc. Employees in drug stores should be suspicious of anyone purchasing unusual quantities of isopropanol or DMSO. Pharmacists should also note suspicious inquiries or thefts of antibiotics, atropine, fentanyl medications or other drugs used as chemical agent precursors or used to treat exposure to chemical or biological agents. To recognize suspicious purchases and thefts, citizens need to know what items are located in their workplace that have value in terrorist applications.

The public should also be aware of threat indicators related to the preparation and delivery of terrorist weapons. For example, many terrorist groups either rent or steal vehicles for bomb attacks. As a result, people who work for vehicle rental companies should be aware of anyone renting a utility van or truck who appears vague or suspicious about its purpose. Police and the public should be aware of any unusual thefts of large vehicles — particularly trucks that were empty at the time they were stolen. Thieves for profit normally steal large vehicles for the cargo, not the vehicle itself. From the terrorist's perspective, getting rid of a stolen vehicle's cargo is a risky inconvenience.

Landlords and area residents should also be aware of unusual activities around apartments or rental properties. For instance, an apartment tenant might notice unusual petroleum or acidic smells coming from a neighbor's apartment, or an employee in a rental storage complex may no-

tice 55-gallon drums being moved in or out of a rental space. Both are among the kinds of subtle indicators that ordinary citizens might observe.

Companies that may be targeted by terrorists should also be aware of special threat indicators. In addition to activities associated with intelligence collection, companies should promptly investigate any thefts of employee identity cards, access key cards or vehicle stickers. Terrorists frequently steal or forge these types of identity items to gain access to protected facilities. The unusual disappearance or murder of a facility employee is another potential threat indicator. There are a number of documented cases where terrorists have kidnapped or killed facility employees for their credentials or uniforms. In Northern Ireland and the Middle East, terrorists have even taken families hostage to coerce a member of the family (usually a facility employee) to deliver a bomb by proxy.

### Police and Suspicious Activity

Since Sept. 11, local law enforcement agencies have found themselves in the difficult situation of sorting and investigating an overwhelming number of suspicious activity reports from the public. To be effective in processing these reports, local police must be aware of what constitutes "suspicious activity" and how terrorist operations are planned and executed. Historically, recognizing indications of terrorist activity has not been a concern in domestic law enforcement training. Addressing this issue is critical if local law enforcement is to play a proactive role in homeland security.

There are many types of threat indicators that law enforcement officers are likely to observe

Continued on Page 14

## Letters

### C-OP: Another view

To the editor:

Retired lieutenant Raymond P. Manus's opinion was so narrow-minded in his commentary, "Rethinking community policing" [LEN, Feb. 14, 2002] I felt compelled to share an additional view of community-oriented policing. I have been involved in managing activities in the area of community-oriented policing since 1994. I am an active lieutenant with the Fort Wayne Police Department and the director of the Fort Wayne Regional Community Policing Institute, which serves the entire state of Indiana.

The definition of community policing is not vague at all. Community-oriented policing is a philosophy that emphasizes the value of partnerships, where police and law-abiding citizens work together to improve the quality of life for people who reside, work and visit in a specific area or community.

Manus's statement that it is totally unreasonable to ask an officer to solve persistent problems in spare time, when not responding to citizen calls for service, reflects a very shallow understanding of the role of the law enforcement officer's oath to serve and protect the people.

Community policing provides officers with opportunities to gain additional knowledge and information about crimes and potentially adverse situations before they occur. It also helps to build a relationship of understanding, trust and respect for the officers and the communities where they serve.

If Manus is looking at just the numbers to back up the success of community-oriented policing, he has truly missed the boat. We are talking about people's lives here, not just numbers. It is the quality of the way citizens and their families can live in communities across America. And yes, the police and community should share in the common goal for providing the best quality of life possible

for every one of them.

Has Manus talked to the hundreds of citizens who now feel that it is safe enough in their neighborhoods to allow their children to go outside to play? Now, thanks to COP, children do not have to sleep in bathtubs at night for their own safety.

How can Manus, located in New York, understand how important this philosophy has been to millions of other citizens across our country? Has he met with the elderly lady who, in tears, shared how her Neighborhood Liaison Officer's efforts allowed her to start putting out a garden, after 10 years of fear that it was not safe for her to do so? Where in the statistics do we include life-changing events like these?

For someone specializing in the area of analysis, Manus did a poor job of getting all the facts!

Police officers, firefighters, other public safety workers, elected officials and others, who receive their salaries from the tax base, need to be committed to helping the community achieve its highest level of potential. Community-oriented policing does ask the community and the police to go the extra distance, but what great things in life are achieved when we do not try to do our best?

Lieut. DANIEL A. MEEKS  
Fort Wayne, Ind., Police Department  
Fort Wayne Regional  
Community Policing Institute

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor



"Jack picked out the carpeting in here. He really misses his days as a cop."





# Federal File



(A roundup of anti-terrorism and homeland security developments at the federal level.)

## On the perimeter

Military troops will be used to beef up security at the nation's borders, working in conjunction with the Border Patrol and the Customs Service. The operation will eventually be overseen by the new military commander for homeland defense, a post expected to go to four-star Army Gen. John Keane. Defense Secretary Donald Rumsfeld and the chairman of the Joint Chiefs, Air Force Gen. Richard Myers, were warned by members of Congress, however, that their plan for the Northern Command (NORCOM) to take over the responsibilities of the North American Aerospace Defense Command could prompt turf battles with Homeland Security Director Tom Ridge. As outlined by Rumsfeld and Myers, NORCOM would provide combat air patrols over major cities. It would also be responsible for organizing the regular military, the reserves, the National Guard and the Coast Guard to respond to natural disasters and "chemical, biological, nuclear or major explosive incidents in the U.S.," said Myers. Some lawmakers were quick to note that the 19th century Posse Comitatus Act forbids the use of armed forces for police activities within the nation's borders unless authorized by Congress or the President. Rumsfeld said the military operation at the borders will be temporary. First responders to emergencies will still be police and fire departments.

## Billions for defense

The Defense Department and intelligence agencies will get the largest share, \$9.3 billion, of

the \$22.2 billion the Government plans to spend this year for homeland defense — a 29-percent increase from 2001, according to the Congressional Budget Office. The next largest share — \$3.1 billion — will be allocated to Health and Human Services, mostly for the stockpiling of vaccines and to help local public health agencies. President Bush wants \$37.7 billion for homeland security in the fiscal year beginning Oct. 1.

## Speeding the plow

Gun-control advocates were dismissive last month of Attorney General John Ashcroft's move to speed background checks on potential gun purchasers, speculating that his motives were open to question. Ashcroft directed that \$141 million be spent to upgrade criminal-history records and has ordered the Immigration and Naturalization Service to search its data bases when questions of citizenship arise. Ashcroft insisted, however, that law enforcement was prohibited from using the National Instant Check System NICS to investigate the Sept. 11 attacks — a decision that critics said stemmed from his strong support of gun rights. "His first priority is not keeping guns out of the hands of terrorists, criminals and other prohibited purchasers, but in fact speeding up gun sales," said Mathew Nosangchuk, litigation director of the Violence Policy Center.

## Poor profiling

Republican Congressman John Mica of Florida, who heads the House aviation subcommittee, said last month that he was concerned that "political correctness might be stifling the development of a sound profiling system" at the nation's airports. At a hearing, House members proposed

that the new Transportation Security Administration develop a system to identify passengers who pose the greatest risk, rather than using random screening. "I have extraordinary concerns that we are doing something that lacks common sense," said Representative Peter DeFazio (D.-Ore.).

## Spore patrol

Federal subpoenas were sent out last month to scientific laboratories across the nation, requiring them to submit to the FBI samples of the strain of anthrax that killed five people last fall. The FBI acknowledged that the subpoenas were sent out only after months of planning how the samples should be safely shipped to the U.S. Army's Medical Research Institute of Infectious Diseases at Fort Detrick, Md. Bureau officials denied that investigators had identified as a prime suspect a scientist who worked at a government lab.

## Targets of opportunity

While nuclear power plants may make the best targets for terrorists, the nation's gas pipelines, dams and oil refineries are also vulnerable, said participants at a two-day conference in Massachusetts in January, which brought together about 60 plant managers, power system administrators, state regulators and other experts from New York and New England to hear from officials from the FBI, CIA and state governments. According to a report in The New York Times, James Fortune, a program manager at the Electric Power Research Institute, a research consortium based in Palo Alto, Calif., said computers used by a variety of critical industries had been probed by unknown intruders. A review of government reports since Sept. 11 show that electric installations are "under ac-

tive physical surveillance," according to Harvey Blumenthal, a CIA official on loan to the National Infrastructure Protection Center. While most of these reports "have been discounted as being not credible," he said, a few may represent "an attempt to collect useful intelligence, operational information that could presage future attacks."

## Hard evidence

An Al Qaeda-linked computer hard drive containing a General Accounting Office study that highlighted security shortcomings at some of the nation's most closely-guarded facilities was discovered by U.S. personnel in Afghanistan, according to an intelligence report released last month. "What this means is that Al Qaeda types have taken the trouble to study specific information about physical security weaknesses, as reported by the GAO," said a law enforcement official. "This is evidence that we have to treat these people as sophisticated terrorists because they're clearly doing their homework." The study, released publicly in May 2000, detailed how undercover GAO investigators were able to gain access to 19 buildings, including the headquarters of the CIA, the FBI, and the State and Justice departments, using bogus police credentials and fake IDs.

## No quick exit

Foreign nationals who have ignored deportation orders and have ties to terrorism will be prosecuted rather than simply being expelled from the U.S. under the "Absconder Apprehension Initiative," according to a Justice Department memo dated Jan. 25. The strategy is part of an effort by the INS to locate 314,000 illegal immigrants who remain at large. It will focus first on approximately 6,000 nationals from countries identified as Al Qaeda strongholds. The apprehension teams will comprise agents from the FBI, the U.S. Marshals and the INS. The results of interviews from the new round of interrogations will be entered into a special computerized reporting system that already holds information gathered from interviews with thousands of Middle Eastern men who spoke with federal agents voluntarily.

## Early warning

Interrogations of Al Qaeda prisoners and the discovery in Afghanistan of documents, diagrams and computer files of nuclear facilities and water-supply and sewage plants in the United States prompted an alert by the CIA and FBI in February. Local police were alerted by the FBI on Jan. 16 of possible attacks on energy facilities, reservoirs and dams, nuclear and gas facilities and storage sites for highly enriched uranium by the Office of Homeland Security. It was believed to be the first such alert specifically covering such facilities, according to Gordon Johndroe, a spokesman for the office.

## Bio-defenses

In addition to calling for a budget increase of \$4.5 billion for defenses against biological terrorism, President Bush this month drew attention to a new system under development called the Realtime Outbreak and Disease Surveillance System, which can track unusual increases in illnesses, flu-like symptoms and other indicators of disease at emergency rooms. Also under discussion is expanding the Epidemic Intelligence Service, a unit of the Centers for Disease Control, to focus on training in forensic epidemiology.

## One in a hundred

Issuing terrorism alerts in the hopes that the public will be more watchful is apparently working, as investigators find themselves swamped with leads — although many, if not most, have been dead ends. "For every 100 tips or leads, 99 won't pan out," said Paul Coggins, a terrorism expert and former U.S. attorney for the Northern District of Texas. "But you've got to check them all out because there's one that will."

## Forum:

# A hefty dose of post-9/11 reality

Continued from Page 13

beyond public reports of suspicious events. In this regard, local law enforcement agencies can strongly benefit by examining the training of police in countries that have had long histories of terrorist activity. For example, in Israel and the United Kingdom, most police officers are trained to be aware of abandoned objects in public places and vehicles parked in no-parking zones. In Northern Ireland, police are warned to be aware of trucks or vans with fresh rust around the base or the bumper (a potential indicator of a bomb employ-

## Albuquerque readies switch to NIBRS

Continued from Page 1

the officers get the reporting right. "I don't care how much training you give them," he said.

The beauty of incident-based reporting, however, is the accuracy of the data. Summary reporting is not validated in any way, said Downen. The FBI, he said, basically hands the department a guidebook and says "here you are, I hope you do it right." After having a full year of NIBRS under its belt, the Memphis department discovered that its old summary system was never in compliance with summary reporting protocols. If, for example, there were six aggravated assaults, it only reported one. The same went for car thefts.

"We wouldn't have known that if it weren't for the huge differences in our numbers between summary and incident-based reporting," said Downen. "It's not easy," he cautioned his Albuquerque counterparts, "but it's worth it because of the accurate data you'll get out of this reporting. Summary data, we found out, was just garbage. It was bad then, it's bad now."

ing ammonia or urea nitrate explosives). These are all examples of things that police may encounter in the course of their ordinary activities.

### Racial Profiling and Suspicious Activity

One of the most controversial issues associated with investigating suspicious activity is racial profiling. To balance the needs of homeland security and the suppression of racial prejudice, it is important that the public distinguishes the difference between perpetrator profiling and racial profiling. Racial profiling is based on the assumption that people of a specific race are prone to specific types of behavior. This is, in essence, a form of racial prejudice as it creates a generalization of all people of a certain ethnicity. Perpetrator profiling, on the other hand, examines the common characteristics of perpetrators to generate a useful and accurate picture of a typical offender.

In perpetrator profiling, recognition of common ethnic characteristics provides a very useful tool for investigating crimes or suspicious activity — especially if the variation in ethnicity is very low. For example, the National Center for the Analysis of Violent Crime has identified that over 90 percent of criminal bombers in the United States are white males, many with specific personality traits. This does not mean that all white males are prone to being bombers. However, recognizing this characteristic is a tremendous aid to police in identifying probable suspects in the early stages of a bomb investigation. Likewise, recognizing that members of Al-Qaeda are motivated by Islamic ideology and that most Al-Qaeda members are of Middle Eastern descent provides a useful tool in the early stages of investigating suspicious activity. This fact by no means suggests that all Muslims or people of Middle Eastern origin are potential terrorists. As demonstrated throughout history, terrorism transcends all races.

It is equally important to recognize the limits of ethnic identification in perpetrator profiling.

Though many Al Qaeda members are of Middle Eastern origin, there are many who are not. Al Qaeda has also recruited members from Africa, Asia and many other parts of the world. Given this, it is very dangerous for the public or law enforcement to assume that all Al Qaeda members have a Middle Eastern appearance. Apparent ethnicity may contribute to the probability of suspicions, but should never be regarded as a final means of qualifying a threat.

### Terrorism Consciousness and American Society After 9/11

No one would deny that American society has changed in the aftermath of Sept. 11. The reality of terrorism as a threat has become imprinted in most everyone's consciousness. From government officials and police to housewives and young children, virtually every American has felt the effect of Sept. 11. For many people, this new awareness has led to a state of fear and frustration.

Nevertheless, people in many parts of the world have learned to successfully cope with terrorism. In locations such as Northern Ireland, Sri Lanka, Israel and Spain, terrorist attacks have been a persistent threat for decades. Yet despite the daily occurrence of bombings and armed assaults, people in these countries have learned to live with terrorism as a fact of life. Bakers still bake bread, teachers still teach and bus drivers still drive buses. For citizens in these countries, awareness of suspicious activity and preparation during terrorist alerts are an integral part of daily life. As the American war on terrorism continues, it is only a matter of time before the public adjusts to this new "post-9/11" reality. One of the first steps in this adjustment is the realization that the public is not helpless or solely dependent on the work of the authorities. Quite the opposite: By being aware of suspicious activity and reporting these events to police, every citizen plays a vital role in winning the war.



# From coast to coast, anti-terror plans take shape

While the federal government tries to establish an overarching anti-terrorist strategy for the nation, a constellation of approaches to homeland defense are being proposed or implemented at state and local levels, including innovative ways of funding counterterrorism efforts, computer networks for sharing intelligence data, communication systems to better link first responders and volunteer watch groups that make use of citizens.

## Buy bonds

In California, Assemblyman Dario Frommer (D.-Glendale) has the support of local police chiefs and Los Angeles Sheriff Lee Baca for his proposal that would authorize the state to issue up to \$500 million in Homeland Defense Bonds. Much like Liberty Bonds during World War II, these bonds would help local agencies pay for anti-terrorism efforts and training.

The bonds would mature in six years and would pay interest of approximately 4.7 percent. They would be a first step, said Baca, in providing resources to local emergency responders. "This is an innovative way to raise funds necessary to fight terrorism in California," added Glendale Police Chief Russell Siverling.

Some 46 police chiefs are behind Frommer's proposal, Burbank Police Chief Tom Hoefel, the vice president of the Los Angeles County Police Chiefs Association, told The (Los Angeles) Daily News. "I think we would love to be the first to stand in line to buy [the bonds]," he said.

If approved by the Legislature, the proposal would be placed on the November ballot, and the bonds would be issued in 2003.

"We have to widen our base of expertise and widen our equipment resources as we plan for any attacks," said Baca. It would cost \$500 million alone to create a standardized radio communication system for county emergency personnel, he said. "All of us are equipped to deal with a singular incident. If there is more than one incident, our equipment is quickly dissipated on one incident," said Baca.

California state senators Kevin Murray (D.-Culver City) and Don Perata (D.-Dakland) said in January that they would ask legislators to put a proposal for a 1-cent sales-tax increase on the November ballot which would generate \$4 billion to help pay for security measures. Murray also plans to seek a \$1-billion bond measure which would pay for outfitting ports, hospitals and airports to improve security.

## Saved for a rainy day

Across the country, Massachusetts Acting Gov. Jane Swift said in February that she wanted to use \$25 million from the state's rainy day fund to protect airports, reservoirs and nuclear power facilities, and raise another \$25 million through a bond issue for increased police training and to prepare communities for terrorist threats.

Swift signed a \$26.5-million supplemental budget in October that paid for a new class of state troopers and covered overtime accumulated by the state police since the Sept. 11 attacks.

Lawmakers, however, said they would object to Swift's proposed funding method, which would not only use rainy day funds, but reduce Massachu-

setts' payments to the state pension fund. Swift should draw more money from her agencies before the funds are freed up for public safety, said John Rogers (D.-Norwood), chairman of the House Ways and Means committee.

## Dollars and cents

Around the nation, cities are seeking federal dollars for anti-terror efforts.

According to the U.S. Conference of Mayors, heightened security will cost municipalities an additional \$2.1 billion in 2002. Some \$525 million extra was spent from Sept. 11 to Dec. 31, primarily for overtime. This year's additional cost will be spent chiefly on equipment, according to the mayors' group.

"I'm a small city," New Haven, Conn., Mayor John DeStefano told USA Today. "I've got a port which ships call on from around the world. I've got a small airport. I've got a world-class university where the president's daughter goes to school." New Haven has spent \$300,000 on extra security from the day of the attack to the end of the last year, the mayor said, and this year's costs are expected to reach \$2.4 million.

## The race card

A panel this month convened in Philadelphia to discuss the civil liberties and legal issues arising from the attacks asserted that race should be taken into consideration along with other factors when assessing potential terrorists.

"I think it is negligent not to look at everything, including racial factors," said Oklahoma Gov. Frank Keating. He made his remarks shortly after the nation's top terrorism prosecutor, Assistant Attorney General Michael Chertoff, finished telling an American Bar Association audience that such practices would not be used in the war on terror.

Keating described as "reckless" instructions by the Transportation Department that speaking Arabic, reading the Koran or praying not be considered factors in the screening process.

"Here we have this crush of people coming into our country, many of whom have hostility and mischief on their minds, and we've made no effort to background them," he said. "Once they're here, we have absolutely no system to track them."

Chertoff countered that domestically, traditional investigative tools such as search warrants were appropriate. While there needs to be "flexibility on the margins" when the lines between national security and criminal investigation of terrorists are blurred, it does not mean "we have to seriously erode core civil liberties," he said.

The panel also asserted that Gov. Tom Ridge, director of homeland security, has too little money or direct authority.

In Keating's home state, a 54-page report by Oklahoma's Joint Homeland Security Task Force in February recommended the designation of a cabinet-level official whose sole responsibility would be to coordinate the state's homeland security.

## Multi-pronged approach

Washington Gov. Gary Locke unveiled the state's Anti-Terrorism Act in January which, while backing away

from a provision that would have allowed prosecutors to use evidence of state crimes gathered through federal wiretaps, established a host of new terrorism-related crimes.

Among its key provisions, the bill would outlaw price-gouging at gas pumps during times of national emergency; regulate small storefront, money-transfer and currency-exchange services; and restrict access to public records containing sensitive information.

## Going off-line

New York's Gov. George Pataki sought is seeking to curb access to materials such as maps of electrical grids and reservoirs, with his administration this month ordering state agencies to restrict that information on the Internet and limit its release through the state's Freedom of Information Law.

"The intent, clearly, is to remove from the public Web sites that information that serves no other purpose than to equip potential terrorists," James K. Kallstrom, New York's director of public security, told The New York Times. "This is not an attempt to shield legitimate information from the public."

In a confidential memorandum to state agency heads, which was obtained by The Times, Kallstrom asked that they not only review what might be accessible, but also classify as "sensitive" and make exempt "information related to systems, structures, individuals and services essential to the security, government or economy of the state." Such things as data about electrical power, gas and oil storage, emergency services, the continuity of government operations, transportation, and banking and finance, should be removed, said Kallstrom.

The memorandum also directs that state agencies set up a password security system to protect sensitive information. Requests for data made under the Freedom of Information law during the past year should be reviewed, as well, to determine whether any of it could be of use to terrorists.

## Taking the LEADS

Ohio's Law Enforcement Automated Data System will be put to use for homeland security. Prior to Sept. 11, the computerized tracking network carried only limited details about arrests and fugitives which were not shared other than monthly by police.

The program got national attention in February when Col. Kenneth L. Morckel, superintendent of the State Highway Patrol, met with federal officials to discuss expanding LEADS and linking it to the federal Law Enforcement Dnline (LED) system. LEADS is believed to be the only state intelligence system of its kind.

"The public is looking to law enforcement as the front line of defense, not just for the detection and apprehension of criminals, but also as an information source," Morckel told The Columbus Dispatch.

According to a spokesman for the patrol, LEADS allows all users to input information which might be useful to other law-enforcement agencies around the state. The data is then categorized by criminal acts, threat groups and the location of the offense. Outdated information will be purged and related information compared and

sorted by topic. Only the names of those charged with a crime will be included in the network.

"This new system will assist greatly in open and ongoing communication between all emergency service providers in Ohio," said Morckel.

## Can we talk?

U.S. Representative Harold Ford Jr. (D.-Tenn.) said this month he would present to Congress a plan for a new communications system that would allow all of the emergency service and law enforcement agencies in Shelby County to speak directly with one another. The system would serve as a model for the nation.

Ford told The Memphis Commercial Appeal: "One thing we saw on Sept. 11 was a really amazing level of cooperation amongst these various agencies. I want to reiterate how important that is. It allows for a more effective response, and it allows for us to cut some costs where we might be able to cut some costs."

An additional \$870,000 has been spent by Memphis above its regular budget for security actions resulting from the terrorist attack. Most of that has gone toward overtime costs, said Clint Buchanan, director of the Memphis and Shelby County Emergency Management Agency. An additional \$2.3 million is needed over the next 12 months, he said.

## Lessons to be learned?

A review of the New York City Police Department's Sept. 11 response prompted Commissioner Raymond Kelly this month to hire an outside contractor to determine whether procedures should be changed.

While the response was considered a major success, there was difficulty in controlling and tracking personnel in and out of the World Trade Center. "We had a lot of people who went into those buildings, so we were very fortunate that more officers were not killed," said John Henkel, health and welfare secretary for the Sergeants' Benevolent Association. The force lost 23 members, 14 of those from the department's Emergency Services Unit. "The goal is to see what, if any, lessons can be learned," said Michael D'Looney, the NYPD's chief spokesman.

## Model building

A veteran investigator from the Bergen County, N.J., Prosecutor's Office, Thomas Goldrick, was selected in January to lead a group of local police officers in a counterterrorism program intended to serve as a model for other counties in the state, as well as for other states nationwide.

Touted by federal officials as the first of its kind, the program aims to improve intelligence-gathering operations. Goldrick will eventually lead a force that includes at least one specially trained officer from every police department in Bergen County.

"The purpose is to get local police more involved so that they can gather information and resolve matters on the spot," said John Paige, who oversees the FBI's activity in North Jersey. Training by the bureau began in February, in which officers were taught how to recognize the white-collar crimes terrorists commit, with a focus on document

fraud.

Goldrick, who currently heads the prosecutor's confidential investigations unit, helped the FBI investigate the 1993 bombing at the World Trade Center.

## Friendly skies

Airline passengers in California may take some comfort in knowing that plainclothes officers of the state Highway Patrol will be serving as *de facto* sky marshals until an expanded force of federal sky marshals takes over.

Under Gov. Gray Davis's "safe skies" program, approved by the Bush administration this month, officers will undergo specialized training by federal experts in analyzing dangerous situations while in flight and taking appropriate action, including how to use firearms on a crowded airplane. Eventually, all 6,700 CHP officers will be taught airliner protection techniques.

The only restrictions the federal government has placed on the program is that officers must be on official business, such as transporting prisoners, and all flights must be in-state.

## Virtual reality

One company that hopes to provide security training for sky marshals is Advanced Interactive Systems Inc., a Seattle-based firm that has developed a program for simulating hijackings. Using real-life video and laser weapons, a simulator can transform a conference room into the interior of a jet in the midst of a takeover by terrorists.

The firm's products can range from just under \$20,000 for a laptop, projector, hit-detection camera and training, to \$250,000 for a fully-equipped trailer. It has recently submitted a bid to the federal government to help train airport screening personnel.

## Call for reinforcements

Two cities are calling on their citizens to assist police in homeland security in very specific ways. In Charleston, W.Va., a new statewide volunteer watch group will act as a parallel data base to the West Virginia Intelligence Exchange, a collection of data bases used by 400 law enforcement agencies to increase the lines of communication and eliminate duplicative investigations.

Through West Virginia Watch, which will be coordinated by the State Police, concerned citizens can call a toll-free number to report suspicious activities. The information will go into a separate data base. Only law enforcement agencies can submit information into the intelligence exchange.

In Roanoke, Va., police are recruiting residents who are bilingual or have special skills, such as ham radio specialists, heavy equipment operators and mechanics. "These are all assets and talents that exist in the community," said Officer Eric Horne.

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Homeland security: What's being done, and what's still needed. See stories, pages 7, 10, 11; Forum, Page 9.

## **'A non-issue':**

Study looks at the integration of gay & lesbian cops into the San Diego Police Department. **Page 1.**

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## **What They Are Saying:**

**"All human police officers wear bulletproof vests and I think it is important that police dogs are offered the same protection."**

— Kelly Davis, a 12-year-old from West Bath, Maine, whose efforts to buy bulletproof vests for police dogs ran afoul of a state law barring fund-raising for police causes. (Story, Page 1.)